REMARKS

Claims 1-3 and 6-15 are currently pending. Claims 13-15 have been amended; no new matter has been added. Applicants reserve the right to pursue the original claims and any other claims in this application and any other application.

Claims 13, 14, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (U.S. Patent No. 6,608,914) ("Yamaguchi") in view of Lu et al. (U.S. Patent No. 5,550,928) ("Lu"). The rejection is respectfully traversed.

Claim 13 recites, *inter alia*, a living body identifying system, comprising: "a center device that is equipped with optimization candidate data storage means for accumulating a plural of said optimization candidate data extracted by an optimization candidate data extracting means for a pre-determined period; a renewal storage means for storing, as new registration data, the data having higher priorities of the plural of optimization candidate data accumulated in said optimization candidate data storage means and the registration data stored in said registration storage means, thereby renewing the registration data when renewing request is made; an error rate calculating means for calculating an error rate of imaging living body information; and a registration data renewal target person extracting means for extracting registration data necessary to be renewed on the basis of the error rate calculated by said error rate calculating means, said error rate calculating means comprising: a circuit for maintaining: a first threshold value used for identification, a second threshold value set to be lower than the first threshold value, and an error value, wherein said error value is not more than the second threshold value."

Yamaguchi discloses an apparatus for recognizing a person. Referring to Fig. 1, the apparatus 10 includes a feature extracting section 12 that extracts a personal

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feature as a set of vectors. In cooperation with a subspace calculation section 14, the set of vectors is used to construct a correlation matrix, the correlation matrix is used to construct a set of eigenvectors which forms the basis of a subspace. (See Yamaguchi, column 5, lines 15-63.) The apparatus 10 further includes a recognition section 16, which is coupled to a registered information holding section 18 and a registered information updating section 20. Significantly, Yamaguchi discloses that for a given person, multiple subspaces may be stored. For example, subspaces corresponding to a person wearing glasses or having make-up applied, and the same person not wearing glasses or not having make-up applied may be stored in respective subspaces. (See Yamaguchi Fig. 6(a)). Additionally, multiple subspaces over time may also be stored for a same person. (Yamaguchi Column 7, lines 54-57; Fig. 7). Even subspaces corresponding to other people may be associated together. (Yamaguchi Column 7, lines 58-63.)

Yamaguchi fails to disclose, *inter alia*, "an error rate calculating means for calculating an error rate of imaging living body information." Nor does Yamaguchi disclose, *inter alia* "registration data renewal target person extracting means for extracting registration data necessary to be renewed on the basis of the error rate calculated by said error rate calculating means, said error rate calculating means comprising: a circuit for maintaining: a first threshold value used for identification, a second threshold value set to be lower than the first threshold value, and an error value, wherein said error value is not more than the second threshold value."

Lu discloses an audience measurement system, "a passive identification apparatus for identifying a predetermined individual member of a television viewing audience in a monitored viewing area, a video image of a monitored viewing area is captured. A template matching score is provided for an object in the video image. A

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Eigenface recognition score is provided for an object in the video image. These scores may be provided by comparing objects in the video image to reference files. The template matching score and the Eigenface recognition score are fused to form a composite identification record from which a viewer may be identified. Body shape matching, viewer tracking, viewer sensing, and/or historical data may be used to assist in viewer identification. The reference files may be updated as recognition scores decline."   (Lu, Abstract)

Lu fails to disclose, *inter alia,* "an error rate calculating means for calculating an error rate of imaging living body information." Nor does Lu disclose, *inter alia* "registration data renewal target person extracting means for extracting registration data necessary to be renewed on the basis of the error rate calculated by said error rate calculating means, said error rate calculating means comprising: a circuit for maintaining: a first threshold value used for identification, a second threshold value set to be lower than the first threshold value, and an error value, wherein said error value is not more than the second threshold value."

Moreover, although the Office provides the unsupported suggestion to combine the two references to achieve the claimed invention, applicants respectfully disagree and note that there is no motivation provided in either of Lu or Yamaguchi to combine the teachings of the two references together to attain the claimed invention.

As such, Yamaguchi either separately or in combination with Lu, fails to disclose the claimed invention, and the rejection of claim 13 should be withdrawn and the claim allowed.

Claims 14 and 15 have a similar limitation as claim 13 and are allowable for at least the reason noted above with respect to claim 13.

Applicants appreciate the indication of claims 1-3 and 6-12 being allowable.

Applicants reviewed the Examiner's Statement of Reasons for Allowance with the

November 13, 2006 final Office Action. The Statement in the record should not be

construed as any agreement with or acquiescence in the reasoning stated by the

Examiner. Contrary to the suggestion of the Examiner, Yamaguchi fails to disclose,

inter alia, "an optimization candidate data storage means for accumulating a plural of

said optimization candidate data extracted by said optimization candidate data

extracting means when a renewal time comes or a renewal request is made."

Applicants agree with the examiner that Yamaguchi does not disclose, inter alia, "a

circuit for maintaining: a first threshold value used for identification, a second

threshold value set to be lower than the first threshold value, and an error value,

wherein said error value is not more than the second threshold value." For at least

those reasons, the claimed invention is allowable over the cited prior art.

Additionally, each of the claims stands on its own merits and is patentable

because of the combination elements it recites and not because of the presence or

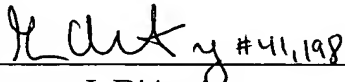absence of any one particular element.

In view of the above amendment, applicants believe the pending application

is in condition for allowance.

Dated: March 9, 2007   Respectfully submitted,

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